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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,213	09/07/2000	Hitoshi Hayama	81752.0097	1342

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EXAMINER

LEE, TOMMY D

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/657,213

Applicant(s)

HAYAMA ET AL.

Examiner

Thomas D. Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-44 is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handa.

Regarding claim 1, Handa discloses an image processing method for creating a decorated character image formed by arranging at least one decorated character formed by providing a desired character decoration (noting either Fig. 8B and 8C, or Fig. 10B and 10c, outline and shadow) on at least one arbitrary character (characters A, B, C), on an arbitrary background (background), with a character color being set to a character portion corresponding to said at least one arbitrary character (character color

is red in Fig. 8B and 8C, black in Fig. 10B and 10C), and a decorative color being set to a decorative portion corresponding to a portion formed by said desired character decoration (decorative portions (outline, shadow) are black in Fig. 8B and 8C, green in Fig. 10B and 10C), said decorated character image including said character portion, said decorative portion, and a background portion formed by removing said character portion and said decorative portion from said background (background shown in Fig. 8B, 8C, 10B and 10C as any portion not including character or decorative portions), the image processing method comprising the steps of: setting at least one predetermined first default color each to a corresponding one of at least one of said character color and said decorative color, when arbitrary setting of said at least one of said character color and said decorative character is omitted (in first embodiment, character color may be set to predetermined default color C+2 when no color is specified (column 7, line 49 – column 8, line 9; column 8, lines 16-23)); setting a predetermined second default color to one of said character color and said decorative color (outline color or shadow color set to predetermined default color C+4 (column 8, lines 4-9 and 19-23); and forming said decorated character image by coloring said character portion and said decorative portion with said character color and said decorative color, respectively (noting Fig. 7, color printing process (S29) follows steps for changing colors).

Handa automatically prints the decorative character in the second default color different from the first default color in the first embodiment, and thus bypasses a step for determining when a combination of said character color and said decorative color makes said character portion and said decorative portion difficult to discriminate from

each other. However, providing a means or step for determining whether the character and decorative portions are difficult to discriminate from each other, is well known in the art (Handa discloses this limitation is a second embodiment (column 12, lines 24-29)). This limitation would have been an obvious modification of Handa's first embodiment to one of ordinary skill in the art, since a user might not be able to distinguish between the two default colors (particularly if the first default color is, for example, purple (color no. 3, see Table 2 (column 6, line 20)), and the second default color is blue (color no. 5)).

Claim 2 recites a limitation wherein said second color used when an image of said background is a plain image which is achromatic or unicolored, or a background pattern image with a predetermined background pattern of a predetermined color provided on said plain image, is a transparent color which is assimilated with said background, and set to said character color. Claim 3 recites a limitation wherein said second color used when an image of said background is a background pattern image having a predetermined background pattern image having a predetermined background pattern of a predetermined color provided on a plain image which is achromatic or unicolored, is a color identical to a color of said plain image. These claims, in effect, recite the color or pattern of the character portion being set to be identical to the color or pattern of the background portion. While not specifically disclosed by Handa, it is clear that as long as there is a decorative portion, such as an outline or shadow, whose color is different from the colors of the character and background portions, then the background and character portions may be of the same color or any other color, since the outline or shadow serves to differentiate between the background and characters.

The choice of colors for the background and character portions is in accordance with a user's preferences, and thus an obvious modification as a matter of design choice to one of ordinary skill in the art.

Regarding claim 4, said at least one arbitrary character decoration includes character-shading decoration forming a shaded character by shading said at least one arbitrary character (shadowed font specified (column 8, lines 16-23)).

Regarding claim 5, said desired character decoration includes character-outlining decoration forming an outlined character by outlining a contour of said at least one arbitrary character (outline font specified (column 8, lines 1-9)).

Claim 6 recites a method wherein said desired character decoration includes character-outlining/shading decoration forming an outlined and shaded character by providing an outlined character with shades. Handa discloses either outline or shading decoration, but not a decoration combining the two. However, this would have been an obvious modification to one of ordinary skill in the art as a matter of design choice, for the design of the decorative portion is irrelevant, so long as there is a decorative portion that helps distinguish between the character and background portions.

Regarding claim 7, the image processing method includes the step of outputting an output image based on said decorated character image (noting Fig. 7, color printing process (S29) follows steps for changing colors).

Claim 8 recites a step of outputting said output image is the step of displaying said output image on a display screen. Handa provides a display (noting Fig. 1, display 17), but it is not apparent that the output image is displayed on the display. However,

the use of a display for displaying an image to be printed is well known in art. Because it is known to provide a display so that an image may be previewed before printing so that a user can make any desired changes to the image, it would have been obvious for one of ordinary skill in the art to modify the teaching of Handa by providing such a display.

Regarding claims 9 and 10, the step of outputting said output image is the step of printing said output on a printing medium, wherein the printing medium is a tape (tape printer (column 4, lines 11-16)).

Claims 11-20 are apparatus claims corresponding to above-rejected claims 1-10, respectively. Means for performing the steps of the rejected method claims at disclosed in Handa, or would have been obvious to one of ordinary skill in the art in view of Handa, as related above.

***Allowable Subject Matter***

5. Claims 21-44 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest the step of changing setting colors for character, background and decorative portions for limited-color output, when the decorated character image is to be subjected to limited-color output at a resolution lower than a resolution of said decorated character image as created, as recited in base claims 21 and 33.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,855,440 (Ueno et al.) discloses a printing apparatus for printing characters with embellishments onto a print tape.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee  
Primary Examiner  
Art Unit 2624

tdl  
April 30, 2004